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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,041	04/07/2001	Jeffrey G. Hargis	10004121-1	5760

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

KIM, HONG CHONG

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 06/15/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Advisory Action

Application No.

09/828,041

Applicant(s)

HARGIS ET AL.

Examiner

Hong C Kim

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.


The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 12-28 and 33-42.Claim(s) objected to: 7,8,10,11,31 and 32.Claim(s) rejected: 1-6,9,29 and 30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's remarks that the references not teaching enablement and the reset of the counter are in any way tied to the counter's receipt of each of a number of strobe signals is not considered persuasive. CD4018B discloses enablement and the reset of the counter are in any way tied to the counter's receipt of each of a number of strobe signals. Since Preset Enable (Pin 10) signal allows information on jam inputs (pins 2, 3, 7, 9, & 12) to preset the counter before starting to count strobe (Pin 14) signals in order to ensure proper initial count or condition (see Fig. 15). CD4018B also discloses how to reset the counter using the feedback connection in Figs. 16-17. In other words, division counters disclosed in Figs. 16 and 17 reads on this limitation, since the counter resets after a clock signal is received when it reaches preset division count. Manning also discloses counter is enabled and disabled before/after receipt of each of a number of strobe signals (col. 2 lines 39-51, specifically lines 39-40, "The latch circuit generates the counter enable signal responsive to a start signal"). In other words, the counter is enabled responsive to a start signal and terminated in responsive to a stop signal after counting strobe signals. Applicant's remarks that the references not teaching reset a counter after each strobe signal is received by "receiving feedback from said counter" is not considered persuasive. Manning discloses reset a counter after each strobe signal is received by "receiving feedback from said counter" (col. 5 lines 62-65 "At or before the terminal count -- disable the counter" reads on this limitation). In other words, a terminal count reads as a feedback.



HONG CHONG KIM
PRIMARY EXAMINER